

**LEVIN-EPSTEIN & ASSOCIATES, P.C.**

---

420 Lexington Ave • Suite 2525 • New York, New York 10170  
T: 212.792-0048 • E: [Jason@levinepstein.com](mailto:Jason@levinepstein.com)

August 5, 2020

**Via Electronic Filing**

The Honorable Magistrate Judge Sanket J. Bulsara  
U.S. District Court, Eastern District of New York  
225 Cadman Plaza East, Courtroom 324N  
Brooklyn, New York 11201

Re: *Marcos v. Cafe Riviera Inc. et al*  
Case No.: 19-cv-03981

Dear Honorable Magistrate Judge Bulsara:

This law firm is counsel to Defendants Cafe Riviera Inc., Malgorzata Tokarska, and Eva Tokarska (collectively, the “**Defendants**”) in the above-referenced matter.

Pursuant to Rule II(A) of Your Honor’s Individual Motion Practices, this letter respectfully serves as a request to adjourn the Settlement Conference currently scheduled for September 22, 2020 to a date and time set by the Court following the completion of fact discovery (*i.e.* after November 30, 2020).

This is the first request for an adjournment of the settlement conference, and is not made on consent of Plaintiff’s counsel. Plaintiff’s counsel did not communicate a position in response to the undersigned’s request to an adjournment of the settlement conference.

This request would not affect any other scheduled deadlines.

The basis of the request is that completion of fact is discovery is necessary before the parties can continue meaningful settlement discussions.

By way of background, Plaintiff Ismael Hernandez Marcos initiated this lawsuit on July 10, 2019 alleging violations of the Fair Labor Standards Act (“**FLSA**”) and the New York State Labor Law (“**NYLL**”). [Dckt. No. 1]. The individual defendants Malgorzata Tokarska, and Eva Tokarska own and operate a bakery located at 830 Manhattan Avenue, Brooklyn, New York 11222. The individual defendants have been single-handedly managing the bakery, where they work seven days a week. By any measure, then, this is a “small” business.

According to the underlying complaint, Plaintiff allegedly worked upwards of *ninety* hours per week, for over *four* years. [Dckt. No. 1 at ¶ 43]. Based on Plaintiff’s incredible assertion, Plaintiff is asserting nearly *half a million dollars* in compensatory damages, liquidated damages, interest and attorneys’ fees. Fact discovery is necessary to show that Plaintiff’s allegations are grossly exaggerated, and that Plaintiff’s damages are nowhere near the amount claimed.

Respectfully, the parties have reached in impasse in settlement discussions. Defendants respectfully believe that further fact discovery is necessary before a meaningful settlement conference can be held.

In light of the foregoing, Defendants respectfully request that the September 22, 2020 settlement conference be adjourned to a date and time set by the Court following the completion of fact discovery (*i.e.* after November 30, 2020).

Thank you, in advance, for your time and consideration.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Jason Mizrahi

Jason Mizrahi

420 Lexington Ave., Suite 2525

New York, NY 10170

Tel.: (212) 792-0048

Email: [Jason@levinepstein.com](mailto:Jason@levinepstein.com)

*Attorneys for Defendants*

To: All Counsel of Record (via ECF)